

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8398 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SARASWATI KELVANI MANDAL DEVGADH BARIA SANCHALIT

Versus

STATE OF GUJARAT

Appearance:

MS MAMTA R VYAS for Petitioner
Mrs. Siddhi Talati, AGP for Respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 21/03/2001

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and
Mrs. Talati, learned A.G.P. for the respondents. On a
joint request of the learned counsel, the matter is taken
up for final hearing today. As a result of the hearing
and discussion and on perusal of the record of the
present petition, learned counsel for the petitioner
states that the petitioner shall make a representation to
the appellate authority for the purpose of reducing the
quantum of penalty/punishment.

2. On the facts and circumstances of the case as seen from the present record it would appear on prima facie basis that the irregularities complained of, and found on the facts of the case, are minor in nature and character. More over those irregularities appear to have been rectified after the order of the Director. Even otherwise from the affidavit dated 7th March 2001 filed by the petitioner the institution appears to have denied admission to any student since June 2000.

3. On these facts it would appear that the request of learned counsel for the petitioner to approach the appellate authority for the purpose of reducing the quantum of punishment should not be denied. Accordingly it is directed that as and when the petitioner approaches the appellate authority for the aforesaid purpose, said representation would require to be considered sympathetically. As and when such a representation is made the same shall be decided by the lower appellate authority as expeditiously as possible, and within such time frame so as to enable the petitioner to admit students with effect from June 2001.

4. In view of the aforesaid observations and directions, learned counsel for the petitioner seeks permission to withdraw the present petition. Permission granted. The petition stands disposed of as withdrawn. Rule made partly absolute with no order as to costs. Direct service permitted.

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rmr.